

U.S. Department of Justice
United States Marshals Service

PROCESS RECEIPT AND RETURN

See Instructions for "Service of Process by the U.S. Marshal"
on the reverse of this form.

PLAINTIFF STEPHEN ESCONDON MEDINA		FILED	COURT CASE NUMBER 08cv0896 JLS (RBB)	
DEFENDANT CORRECTIONAL OFFICER R. HUESO			TYPE OF PROCESS 42 U.S.C. 1983	
DATE 2008 JUL 21 AM 8:29				
SERVE ➔	NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC., TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN CORRECTIONAL OFFICER R. HUESO, CALIPATRIA STATE PRISON			
	ADDRESS (Street or RFD, Apartment No., City, State and ZIP Code) 7018 BLAIR ROAD, P.O. BOX 5002, CALIPATRIA, CALIFORNIA 92233			
AT	SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW:			
<input type="checkbox"/> STEPHEN ESCONDON MEDINA CDC# E-63667 P.O. BOX 5002 CALIPATRIA STATE PRISON CALIPATRIA, CALIFORNIA 92233		Number of process to be served with this Form - 285		1
		Number of parties to be served in this case		2
		Check for service on U.S.A.		

SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (Include Business and Alternate Addresses, All Telephone Numbers, and Estimated Times Available For Service):

DEFENDANT R. HUESO IS A CORRECTIONAL OFFICER OF THE CALIFORNIA DEPARTMENT OF CORRECTIONS, WHO IS CURRENTLY ASSIGNED TO CALIPATRIA STATE PRISON. ON JULY 18, 2007, THIS OFFICER TRANSPORTED PLAINTIFF TO ALVARADO HOSPITAL MEDICAL CENTER. THIS DEFENDANT HELD THE POSITION OF "SEARCH AND ESCORT" ON JULY 18, 2007. THE TELEPHONE NUMBER FOR CALIPATRIA STATE PRISON IS: (760) 348-7000.

Signature of Attorney or other Originator requesting service on behalf of: *Stephen Medina* ☒ PLAINTIFF ☐ DEFENDANT TELEPHONE NUMBER _____ DATE **6-15-08**

SPACE BELOW FOR USE OF U.S. MARSHAL ONLY — DO NOT WRITE BELOW THIS LINE

I acknowledge receipt for the total number of process indicated. (Sign only first USM 285 if more than one USM 285 is submitted)	Total Process 1	District of Origin 98 No. 98	District to Serve 98 No. 98	Signature of Authorized USMS Deputy or Clerk <i>[Signature]</i>	Date 6/18/08
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I hereby certify and return that I ☐ have personally served, ☐ have legal evidence of service, ☐ have executed as shown in "Remarks", the process described on the individual, company, corporation, etc., at the address shown above or on the individual, company, corporation, etc., shown at the address inserted below.

☐ I hereby certify and return that I am unable to locate the individual, company, corporation, etc., named above (See remarks below)

Name and title of individual served (if not shown above)	<input type="checkbox"/> A person of suitable age and discretion then residing in the defendant's usual place of abode.
Address (complete only if different than shown above)	Date of Service _____ Time _____ am _____ pm
	Signature of U.S. Marshal or Deputy _____

Service Fee	Total Mileage Charges (including endeavors)	Forwarding Fee	Total Charges	Advance Deposits	Amount owed to U.S. Marshal or	Amount of Refund
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REMARKS: *6/18/08 mailed SC*

*07/21/08 Recd waiver of service of summons.
Copy to court and plaintiff*

PRIOR EDITIONS
MAY BE USED

1. CLERK OF THE COURT

FORM USM-285 (Rev. 12/15/80)

Waiver of Service of Summons

To: U.S. Marshal

RECEIVED

I, acknowledge receipt of your request that I waive service of a summons in the action of Medina, Stephen Escondon v. R. Hueso, et al., which is case number 08CV0869 JLS RBB in the United States District Court for the Southern District of California. I have also received a copy of the complaint in the action, two copies of this instrument, and a means by which I can return the signed waiver to you without cost to me.

I agree to save the cost of service of a summons and an additional copy of the complaint in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with a judicial process in the manner provided by Rule 4.

I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or the jurisdiction or venue of the court except for objections based on a defect in the summons or in the service of summons.

I understand that a judgment may be entered against me (or the party on whose behalf I am acting) if an answer or motion under Rule 12 is not served upon you within 60 days after June 18, 2008, or within 90 days after that date if the request was sent outside the United States.

Date: 7/17/08

Signature

**Defendant hereby waives
personal service of this
complaint pursuant to rule
4(d) of the Federal Rules
of Civil Procedure**

Printed/Typed Name: Tiffany R. Hixson
as Deputy Attorney General
of the Office of the Attorney General

Attorneys for R. Hueso, Defendant

Duty to Avoid Unnecessary Costs of Service of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the summons and complaint. A Defendant located in the United States who, after being notified of an action and asked by a Plaintiff located in the United States to waive service of a summons, fails to do so will be required to bear the costs of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the complaint is unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the summons retains all defenses and objections (except any relating to the summons or to the service of the summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

A Defendant who waives service must within the time specified on the waiver form serve on the Plaintiff's attorney (or unrepresented Plaintiff) a response to the complaint and must also file a signed copy of the response with the court. If the answer or motion is not served within this time, a default judgment may be taken against that Defendant. By waiving service, a defendant is allowed more time to answer than if the summons had been actually served when the request for waiver of service was received.

United States District Court

SOUTHERN DISTRICT OF CALIFORNIA

Stephen Escondon Medina

vs

R Hueso, Castrone

SUMMONS IN A CIVIL ACTION

Case No. 08cv896 JLS (RBB)

TO: (Name and Address of Defendant)

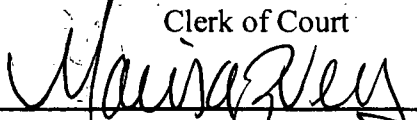
YOU ARE HEREBY SUMMONED and required to file with the Clerk of this Court and serve upon PLAINTIFF'S ATTORNEY

Stephen Escondon Medina
E-63667
PO Box 5002
Calipatria, CA 92233

An answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

W. Samuel Hamrick, Jr.

Clerk of Court



By M. Zvers, Deputy Clerk

June 9, 2008

DATE